

10 CSR 10-6.062 Construction Permits By Rule

(1) Applicability. This rule shall apply to certain types of facilities or changes within facilities listed in this rule where construction is commenced on or after the effective date of the relevant permit-by-rule. To qualify for a permit-by-rule, the following general requirements must be met:

(A) Any installation undergoing activities that would otherwise be subject to section (7), (8), or (9) of 10 CSR 10-6.060 does not qualify for permit-by-rule under this regulation. Installations accepting the permit-by-rule emission limitations can use those limitations to determine whether the installation is subject to section (7), (8), or (9) of 10 CSR 10-6.060;

(B) The installation is not prohibited from permit-by-rule by permit conditions, by settlement agreements or by official notification from the director;

(C) All emission control equipment associated with the permit-by-rule shall be maintained and operated in accordance with the equipment specifications of the manufacturer;

(D) Obtaining a permit-by-rule under this regulation does not exempt an installation from other applicable air pollution regulations or any local air pollution control agency requirements; and

(E) The director may require an air quality analysis in addition to the general requirements listed in subsection (3) (B) of this rule if it is likely that the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are being appreciably exceeded or complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis. The permit-by-rule may be revoked if it is determined that emissions from the source interfere with the attainment or maintenance of ambient air quality standards.

(2) Definitions. Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Registration. To qualify for a permit-by-rule, the owner or operator must notify the Missouri Department of Natural

Resources' Air Pollution Control Program prior to commencement of construction. This notification will establish the permit-by-rule and become the conditions under which the facility is permitted. All representations made in the notification regarding construction plans, operating procedures, and maximum emission rates shall become conditions upon which the facility shall construct or modify. If the conditions, as represented in the notification, vary in a manner that will change the method of emission controls, the character of the emissions, or will result in an increase of emissions, a new notification or permit application must be prepared and submitted to the department's Air Pollution Control Program.

1. The director shall provide a form by which operators can submit their notifications. The notification shall include documentation of the basis of emission estimates or activity rates and be signed by a responsible official certifying that the information contained in the notification is true, accurate, and complete. The expected first date of operation shall be included in the notification.

2. The notification shall be sent to the department's Air Pollution Control Program. Two (2) copies of the original notification shall be made. One (1) shall be sent to the appropriate regional office, and one (1) shall be maintained on-site and be provided immediately upon request by inspectors.

3. Fees. A review fee of seven hundred dollars (\$700) shall accompany the notification sent to the department's Air Pollution Control Program.

4. Upon receiving the notification, the department shall complete a pre-construction review of the notification and make an approval/disapproval determination within seven (7) business days. If the notification is approved by the department, the operator may begin construction and operation of the new source.

(B) Permit-by-Rule.

1. Printing operations. Any printing operation (including, but not limited to, screen printers, ink-jet printers, presses using electron beam or ultraviolet light curing, and labeling operations) and supporting equipment (including, but not limited to, corona treaters, curing lamps,

preparation, and cleaning equipment) which operate in compliance with the following conditions is permitted under this rule:

A. The uncontrolled emission of volatile organic compounds (VOCs) from inks and solvents (including, but not limited to, those used for printing, cleanup, or makeup) shall not exceed forty (40) tons per twelve (12)-month period, rolled monthly, for all printing operations on the property. The emissions shall be calculated using a material balance that assumes that all of the VOCs in the inks and solvents used are directly emitted to the atmosphere;

B. The uncontrolled emission of hazardous air pollutants shall not exceed ten (10) tons per twelve (12)-month period, rolled monthly, for all printing operations on the property. The emissions shall be calculated using a material balance that assumes that all hazardous air pollutants used are directly emitted to the atmosphere;

C. Copying and duplicating equipment employing the xerographic method are exempt from subparagraphs (3)(B)1.D-G. of this rule;

D. Printing presses covered by this section shall not utilize heat set, thermo set, or oven-dried inks. Heated air may be used to shorten drying time, provided the temperature does not exceed one hundred ninety-four degrees Fahrenheit (194°F);

E. Screen printing operations requiring temperatures greater than one hundred ninety-four degrees Fahrenheit (194°F) to set the ink are exempt from subparagraph (3)(B)1.D. of this rule;

F. The facility shall not be located in an ozone nonattainment area; and

G. Record keeping. The operator shall maintain records of ink and solvent usage and shall be kept in sufficient detail to show compliance with subparagraphs (3)(B)1.A. and 1.B. of this rule.

2. Crematories and animal incinerators. Any crematory or animal incinerator that is used solely for the cremation of human remains, disposal of human pathological wastes, or animal carcasses and operates in compliance with the following conditions is permitted under this rule:

A. The materials to be disposed of shall be limited to noninfectious human materials removed during surgery, labor and delivery, autopsy, or biopsy including body parts, tissues and fetuses, organs, bulk blood and body fluids, blood or tissue laboratory specimens; and other noninfectious anatomical remains or animal carcasses in whole or in part. The owner or operator shall minimize the amount of packaging fed to the incinerator, particularly plastic containing chlorine. The incinerators shall not be used to dispose of other non-biological medical wastes including, but not limited to, sharps, rubber gloves, intravenous bags, tubing, and metal parts;

B. The manufacturer's rated capacity (burn rate) shall be two hundred (200) pounds per hour or less;

C. The incinerator shall be a dual-chamber design;

D. Burners shall be located in each chamber, sized to manufacturer's specifications, and operated as necessary to maintain the minimum temperature requirements of subparagraph (3)(B)2.E. of this rule at all times when the unit is burning waste;

E. Excluding crematories, the secondary chamber must be designed to maintain a temperature of one thousand six hundred degrees Fahrenheit (1,600°F) or more with a gas residence time of one-half (1/2) second or more. The temperature shall be monitored with equipment that is accurate to plus or minus two percent (2%) and continuously recorded. The thermocouples or radiation pyrometers shall be fitted to the incinerator and wired into a manual reset noise alarm such that if the temperature in either of the two (2) chambers falls below the minimum temperature above, the alarm will sound at which time plant personnel shall take immediate measures to either correct the problem or cease operation of the incinerator until the problem is corrected;

F. There shall be no obstructions to stack flow, such as by rain caps, unless such devices are designed to automatically open when the incinerator is operated. Properly installed and maintained spark arresters are not considered obstructions;

G. Each incinerator operator shall be trained in the incinerator operating procedures as developed by the

American Society of Mechanical Engineers (ASME), by the incinerator manufacturer, or by a trained individual with more than one (1) year experience in the operation of the incinerator that the trainee will be operating. Minimum training shall include basic combustion control parameters of the incinerator and all emergency procedures to be followed should the incinerator malfunction or exceed operating parameters. An operator who meets the training requirements of this condition shall be on duty and immediately accessible during all periods of incinerator operation. The manufacturer's operating instructions and guidelines shall be posted at the unit and the unit shall be operated in accordance with these instructions;

H. The incinerator shall have an opacity of less than ten percent (10%) at all times;

I. Heat shall be provided by the combustion of natural gas, liquid petroleum gas, or Number 2 fuel oil with less than three-tenths percent (0.3%) sulfur by weight, or by electric power; and

J. Record keeping. The operator shall maintain a log of all alarm trips and the resultant action taken. A written certification of the appropriate training received by the operator, with the date of training, that includes a list of the instructor's qualifications or ASME certification school shall be maintained for each operator. The operator shall maintain an accurate record of the monthly amount and type of waste combusted.

3. Surface coating. Any surface coating activity or stripping facility that operates in compliance with the following conditions is permitted under this rule:

A. Metalizing, spraying molten metal onto a surface to form a coating, is not permitted under this permit-by-rule. The use of coatings that contain metallic pigments is permitted;

B. All facilities shall implement good housekeeping procedures to minimize fugitive emissions, including:

(I) All spills shall be cleaned up immediately;

(II) The booth or work area exhaust fans shall be operating when cleaning spray guns and other equipment; and

(III) All new and used coatings and solvents shall be stored in closed containers. All waste coatings and solvents shall be removed from the site by an authorized disposal service or disposed of at a permitted on-site waste management facility;

C. Drying and curing ovens shall either be electric or meet the following conditions:

(I) The maximum heat input to any oven must not exceed forty (40) million British thermal units (Btus) per hour; and

(II) Heat shall be provided by the combustion of one of the following: natural gas; liquid petroleum gas; fuel gas containing no more than twenty (20.0) grains of total sulfur compounds (calculated as sulfur) per one hundred (100) dry standard cubic feet; or Number 2 fuel oil with not more than three-tenths percent (0.3%) sulfur by weight;

D. Emissions shall be calculated using a material balance that assumes that all VOCs and hazardous air pollutants in the paints and solvents used are directly emitted to the atmosphere. The total uncontrolled emissions from the coating materials (as applied) and cleanup solvents shall not exceed the following for all operations:

(I) Forty (40) tons per twelve (12)-month period, rolled monthly, of VOCs for all surface coating operations on the property;

(II) A sum of twenty-five (25) tons per twelve (12)-month period, rolled monthly, of all hazardous air pollutants for all surface coating operations on the property; and

(III) Each individual hazardous air pollutant shall not exceed the emission threshold levels established in 10 CSR 10-6.060(12)(J), rolled monthly;

E. The surface coating operations shall be performed indoors, in a booth, or in an enclosed work area. The booth shall be designed to meet a minimum face velocity at the

intake opening of each booth or work area of one hundred feet (100') per minute. Emissions shall be exhausted through elevated stacks that extend at least one and one-half (1 1/2) times the building height above ground level. All stacks shall discharge vertically. There shall be no obstructions to stack flow, such as rain caps, unless such services are designed to automatically open when booths are operated;

F. For spraying operations, emissions of particulate matter must be controlled using either a water wash system or a dry filter system with a ninety-five percent (95%) removal efficiency as documented by the manufacturer. The face velocity at the filter shall not exceed two hundred fifty feet (250') per minute or that specified by the filter manufacturer, whichever is less. Filters shall be replaced according to the manufacturer's schedule or whenever the pressure drop across the filter no longer meets the manufacturer's recommendation;

G. Coating operations shall be conducted at least fifty feet (50') from the property line and at least two hundred fifty feet (250') from any recreational area, residence, or other structure not occupied or used solely by the owner or operator of the facility or the owner of the property upon which the facility is located;

H. The facility shall not be located in an ozone nonattainment area; and

I. Record keeping. The operator shall maintain the following records and reports:

(I) All material safety data sheets for all coating materials and solvents;

(II) A monthly report indicating the days the surface coating operation was in operation and the total tons emitted during the month, and the calculation showing compliance with the rolling average emission limits of subparagraph (3) (B) 3.D. of this rule;

(III) A set of example calculations showing the method of data reduction including units, conversion factors, assumptions, and the basis of the assumptions; and

(IV) These reports and records shall be immediately available for inspection at the installation.

(Section (3)(B)4 is not included in the SIP.)

(C) Revocation.

1. A permit-by-rule may be revoked upon request of the operator or for cause. For purposes of this paragraph, cause for revocation exists if—

(I) There is a pattern of unresolved and repeated noncompliance with the conditions of the permit-by-rule and the operator has refused to take appropriate action (such as a schedule of compliance) to resolve the noncompliance;

(II) The operator has failed to pay a civil or criminal penalty imposed for violations of the permit-by-rule; or

(III) It is determined through a technical analysis that emissions from the source interfere with the attainment or maintenance of ambient air quality standards.

2. Upon revocation of a permit-by-rule the operator shall obtain a permit, undergoing review under 10 CSR 10-6.060.

(4) Reporting and Record Keeping. In addition to the original notification required by paragraph (3)(A)2. of this rule, operators shall maintain records containing sufficient information to demonstrate compliance with all applicable permit-by-rule requirements as specified in subsection (3)(B) of this rule. These records shall be maintained at the installation for a minimum of five (5) years, and shall be made immediately available to inspectors upon their request. Operators shall also report to the Air Pollution Control Program, no later than ten (10) days after the end of the month during which the operation exceeded any of the permit-by-rule conditions.

(5) Test Methods. *(Not Applicable)*

EPA Rulemakings

CFR: 40 C.F.R. 52.1320(c)

FRM: 72 FR 54562 (09/26/2007)

PRM: 72 FR 54624 (09/26/2007)

State Submission: 05/16/2007

State Final: 10 C.S.R. 10-6 (04/30/2007); effective 05/30/2007

APDB File: MO-253; EPA-R07-OAR-2007-0926

Description: This revision includes a seven-day preconstruction period for the review of applications from facilities that want to operate under the permit by rule.

CFR: 40 C.F.R. 52.1320(c)

FRM: 71 FR 38997 (07/11/2006)

PRM: 71 FR 14439 (03/22/2006)

State Submission: 07/14/2004

State Final: 10 C.S.R. 10-6 (09/30/2003); effective 10/30/2003

APDB File: MO-224; EPA-R07-OAR-2005-MO-0005

Description: This new rule creates a process by which sources can be exempt from the Construction Permits Required rule, 10 CSR 10-6.060, by establishing conditions under which specific sources can construct and operate. It establishes notification requirements and standard review fees.

Difference Between the State and EPA-Approved Regulation

Section (3) (B) 4. is not included in the SIP.